

# Notice of Allowability

Application No.

10/016,680

Examiner

Brian R. Gordon

Applicant(s)

LEHTINEN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12-17-01.
2. ☒ The allowed claim(s) is/are 5-8 and 10-12.
3. ☒ The drawings filed on 17 December 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

## EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ronald Kubovcik on May 28, 2004.

The application has been amended as follows:

In the claims cancel method claims 1-4 and apparatus claim 9.

Please amend claims 1-12 as indicated below.

1-4 (canceled)

5. Multichannel pipetting apparatus (40) for simultaneously ~~pipetting of aspirating samples from or dispensing samples to~~ a plurality of sample wells (44) or containers, said pipetting apparatus comprising a pipetting unit (10) comprising a number of pipetting channels (12), a number of pipetting tips (20), at least one orifice (32), ~~in which pipetting apparatus wherein~~ the pipetting channels (12) ~~have been~~ are adapted to be divided into groups, at least some of which comprise two or more pipetting channels, and the each pipetting tips (20) of the pipetting unit (10) ~~are is~~ connected to the a corresponding groups of pipetting channels (12) so that each pipetting tip communicates with all the pipetting channels in ~~one said corresponding group,~~ characterized in that

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wherein the pipetting unit (10) of the pipetting apparatus (40) further comprises at least one adapter (30), which divides the pipetting channels into groups, said adapter (30) placed between the pipetting channels (12) and the pipetting tips (20) and containing a number of connecting channels (31) or connecting channel groups connecting the groups of pipetting channels to the pipetting tips, and that wherein each connecting channel (31) or connecting channel group in the adapter (30) is connected to one of said groups of pipetting channels (12) and ~~via an orifice (32) to one of said pipetting tips (20), which via an orifice (32) preferably is a conventional, funnel-shaped pipetting tip.~~

6. The Pipetting apparatus (40) as defined in claim 5, wherein characterised in that

the pipetting unit (10) comprises at least two different adapters (30) which can be alternately placed in the pipetting unit, between the pipetting channels (12) and the pipetting tips (20), the adapters (30) contain different connecting channels (31) or connecting channel groups, that wherein the connecting channels (31) or connecting channel groups in different adapters (30) differ from each other in that a different number of pipetting channels (12) can be connected via the connecting channels (31) or connecting channel groups to each pipetting tip (20).

7. The Pipetting (40) as defined in claim 5, wherein characterised in that the pipetting unit (10) comprises an adapter (30) comprising at least two different zones (22) containing different connecting channels (31) or connecting channel groups, the connecting channels (31) or connecting channel groups located in the different zones (22) of the adapter (30) differ from each other in that a different number of pipetting channels (12) can be connected via the connecting channels (31) to each pipetting tip (20), and that wherein the adapter (30) can be displaced or moved so as to bring the different zones (22) alternately into connection with the pipetting channels (12).

8. The Pipetting (40) as defined in claim 5, 6, or 7 wherein characterised in that the pipetting apparatus (40) comprises a track (41) for moving micro-sample plates (42) laterally to a position directly opposite to the pipetting unit (10), wherein the pipetting unit (10) contains one or more adapters (30) which can be moved above the track (41) in a direction perpendicular to the direction of movement of the track, and wherein that said one or more adapters contain two or more different zones (22) containing connecting channels (31) or connecting channel groups which connect a different number of pipetting channels (12) to

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each pipetting tip (20).

9. (CANCEL) Pipetting apparatus (40) as defined in any one of claims 5-8, ~~characterised~~ in that, using one or more adapters (30), the pipetting apparatus (40) forms an apparatus that replaces at least two previously known pipetting apparatuses.

10. ~~The Pipetting~~ (40) as defined in ~~any one of claims 5-9, wherein characterised in that~~ the adapter (30) is provided with a plurality of pipetting tips (20) or pipetting tip connecting elements (15b, d, e, f, g) fixedly attached ~~to it~~ thereto.

11. ~~The Pipetting~~ (40) as defined in ~~any one of claims 5-10, wherein the pipetting unit further comprises a frame (16) which contains a lower surface (17) and wherein characterised in that~~ the connecting channels (31) or connecting channel groups of the adapter (30) are fitted against a seal (14a) on the lower surface (17) of the frame (16) of the pipetting unit (10) or against suitable connecting elements (15) onto a plurality of connecting elements (15a) of said pipetting channels (12), wherein said connecting elements (15a) extend from the lower surface of the frame.

12. ~~The Pipetting~~ (40) as defined in ~~any one of claims 5-10 11, wherein the adapter further comprises a lower surface and wherein characterised in that~~ the pipetting tips (20) are fitted against a seal (14b) on the lower surface of the adapter (30) or ~~against suitable connecting elements (15) onto a plurality of connecting elements (15b, d, e, f, g) of said at least one orifice (32), wherein said connecting elements (15b, d, e, f, g) extend from the lower surface of the adapter.~~

2. Claims 5-8 and 10-12 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record does not teach nor fairly suggest the device as claimed by applicant: a multichannel pipetting apparatus (40) for simultaneously aspirating samples from or dispensing samples to a plurality of sample wells (44) or containers, said pipetting apparatus comprising a pipetting unit (10) comprising a number of pipetting channels (12), a number of pipetting tips (20), at least one orifice (32), wherein the pipetting

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channels (12) are adapted to be divided into groups, at least some of which comprise two or more pipetting channels, and each pipetting tip (20) of the pipetting unit (10) is connected to a corresponding group of pipetting channels (12) so that each pipetting tip communicates with all the pipetting channels in said corresponding group, wherein the pipetting unit (10) of the pipetting apparatus (40) further comprises at least one adapter (30) , which divides the pipetting channels into groups, said adapter (30) placed between the pipetting channels (12) and the pipetting tips (20) and containing a number of connecting channels (31) or connecting channel groups connecting the groups of pipetting channels to the pipetting tips, wherein each connecting channel (31) or connecting channel group in the adapter (30) is connected to one of said groups of pipetting channels (12) and one of said pipetting tips (20), via an orifice (32).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yiu, Felix; Moore, Thomas et al.; Wanner, Jurgen; Schoeppe, Torsten; Sarrine, Robert James; Ally, Abdul H. et al.; Astle, Thomas W.; Carl, Richard A.; Lyman, George et al.; Rainin, Kenneth et al.; and Suovaniemi, Osmo A. et al. disclose pipetting devices with detachable tips and nozzles.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian R. Gordon whose telephone number is 571-272-1258. The examiner can normally be reached on M-F, with 2nd and 4th F off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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